UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,135	02/15/2001	Yang-lim Choi	Q60575	1486

7590 07/01/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY [check either a) or b)]</u>

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>1-16</u>.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Anthony Knight
Supervisory Patent Examiner 062804
Group 3600

Continuation of 5. does NOT place the application in condition for allowance because: The reconsideration has been fully considered but is not persuasive.

From the Final Office Action at pages 6 and 7, para 7:

Claim 2-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It appears that it is the intention of the Invention to transform a statistical distribution into multidimensional statistical distribution (joint density function) from which the joint density functions related to the dimensionality can be identified. Integrating across the space of the joint density function, one can arrive at the marginal density function and hence one begins to develop the grid. This process is not straightforward and would require extensive experimentation to replicate the invention. A grid is two-dimensional and yet the process is n dimensional. Fig. 2 illustrates a case where data joint distribution is not uniform but agglomerated even though the marginal distribution of the data is uniform in each dimension (specification, page 6, lines 1-3). Uniform conveys that the probability of a given event in a given space is equally likely. Fig. 2 does not convey much information and certainly since the marginal distribution comes about from the integration of the joint density function, the question of how uniformity is achieved is not sufficiently conveyed from the specification. Simply stated, the specification does not enable the invention.

The quote of the Second Supplemental Amendment, dated June 16, 2004, page 2 lines 7-12 related to the above quote is only partial. Taken in total, the conclusion concerning enablement raised in the Final Office action remains. The discussion of equation 12 in the specification at page 14, lines 8-13 does not address the methodology to be used to achieve uniformity of distribution. Claim 14 address dividing a probability distribution function into an plurality of grids but such division does not state that the probability of a feature in a give grid will be equal in all grids.

The concern for the Intermediate Value Theorem raised in previous office actions remains.